

Message

From: Lee Fuller [lfuller@ipaa.org]
Sent: 1/18/2018 8:20:58 PM
To: arleen.odonnell@erg.com
CC: Kenney, James [Kenney.James@epa.gov]
Subject: Re: Round Table Worksheet - Please take 15 min to fill this out by Friday!

Let me know if this is what you are looking for.

Lee Fuller

Sent from my iPad

On Jan 17, 2018, at 10:56 AM, Arleen O'Donnell <Arleen.O'Donnell@erg.com> wrote:

Hello Roundtable folks,

I'm following up on the information that Jim Kenney sent out this morning. To make it easier for you to fill out the worksheet, I have pasted it below.

Please take a few minutes to briefly respond (bullets are OK) and reply to me (cc: Jim Kenney). We will synthesize the responses we receive and share the synthesis at the meeting to help frame the discussion. Your input is important to gauge what most people are interested in discussing. Thanks and I look forward to seeing you in Denver. - Arleen

Roundtable Worksheet

Please email the completed worksheet to Arleen O'Donnell (Arleen.O'Donnell@erg.com) on or before **Friday, January 19**. It is designed to assist roundtable organizers in the formulation of a final agenda.

Barriers: For each category, identify one barrier that prevents, or makes challenging, efficient, cost-effective or timely environmental compliance.	Solutions: For each category, identify a solution that could yield efficient, cost-effective, or timely compliance.
Regulation and Policy EPA's regulatory approaches do not reflect the declining nature of oil and natural gas production. In its NSPS, CTGs and potential nationwide existing source rules, it applies the same requirements to new wells that produce large volumes and to low producing wells the are affected very differently by these requirements. The consequences of these actions will result in the shut down of low producing wells without environmental benefits.	Regulation and Policy EPA should create a low producing well subcategory in its regulatory structure that would then require its cost, cost effectiveness, environmental benefits, and technology determinations to be made based on these operations. If regulations are needed, they would be based on appropriate production criteria. As higher production wells become low producing wells, they should be shifted to this subcategory for regulatory purposes.
Permitting In the 2009-2016 time period, EPA and other federal agencies pursued efforts to federalize regulation of oil and natural gas production. These actions were designed to either locate authority in the federal government or restrict the options for state regulators. Since the framework of the Clean Air Act predominantly relies on state regulators, these actions undermined the state-federal relationship.	Permitting States need to be empowered as the primary regulatory authorities — for this industry and others. EPA needs to review the state delegation process, remove barriers, expand delegation and assure that adequate federal funding supports these efforts. EPA needs to accept a secondary role, stepping in whenever states need support. EPA needs to eliminate the

	mandates it has created such as the CTG that relies on Subparts OOOO and OOOOa for existing sources.
<p>Compliance Assurance</p> <p>In the 2009-2016 time period all federal agencies were tasked with developing oil and natural gas production regulatory initiatives. Among these initiatives, EPA created its National Enforcement Initiative. This quickly became a series of action steps cloaked in the use of enforcement actions. It included enforcement data collection letters that were fishing expeditions to find possible avenues to pursue enforcement actions. Most notably, it included the storage vessel initiatives where EPA targeted individual producers, used unverified data, reinterpreted the regulations, and sought consent decrees that compelled actions exceeding the regulatory authority of the Clean Air Act. These actions were carried out using enforcement authorities that prevent a transparent understanding of the planned purpose of the initiative.</p>	<p>Compliance Assurance</p> <p>EPA needs to wholly revise its enforcement and compliance assurance agenda. It should serve as a supportive resource to states since states have the primary regulatory responsibilities under the Clean Air Act and EPA will never have the resources — nor should it — to carry out this expansive role. At best, it can continue to target limited issues. But, in do so, it disrupts the state compliance agendas.</p>

1. Of the three categories identified in the table (e.g., regulation and policy, permitting, and compliance assurance), which one are you most interested in discussing? Are there other categories of barriers? If so, please identify and provide an example.

I am more involved in the regulations and policy issues than the other items.

2. Beyond the three categories identified (e.g., regulation and policy, permitting, and compliance assurance), are there other categories of solutions? If so, please identify and provide an example.

3. Do you have a case study on a solution that yielded efficient, cost-effective, or timely compliance that you would be willing to present briefly during the roundtable? If so, please provide a brief description.

Arleen O'Donnell,
ERG Vice President
110 Hartwell Ave
Lexington MA 02421
781-674-7220
617-797-3304 (cell)